

**Resolution Agreement  
Carroll County School District  
OCR Docket Number #04-14-1374**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Carroll County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, et seq., and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and as a public entity, the District is subject to the provisions of Section 504 and Title II. The District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR Case Processing Manual. Accordingly, to ensure compliance with the above-referenced law and regulation and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

**Section 504 Meeting**

1. By **August 30, 2014**, the District will initiate a Section 504 plan meeting for the Student. The District will invite the Complainant and the Student's physician to attend the meeting (in person or by conference call) to discuss the scope of the Student's allergies and measures necessary to provide for the Student's safety, as well as inclusion with classmates. The discussion shall include a conversation regarding the forms of allergy (e.g., consumption, physical contact, and inhalation) and their relative effects on the Student, as well as the recommended treatment/response for each type of exposure, including any time requirements to provide such treatment and the dosage of the Epi Pen and when 911 should be called. At the conclusion of the meeting (or meetings), the Team will agree on measures to ensure the Student's inclusion and safety (e.g. a plan for emergency situations that provides clear steps that must be taken, considers the physician's recommendations and also ensures there is always continued quick access to both the Epi Pen with locations of such listed, including storing multiple Epi Pens in safe locations in the building, on the bus, providing trained staff person(s) to administer such in all environments, and procedures to assist with the elimination of all peanut and tree nut products from the classroom or the assignment of an individual to the Student to ensure the 504 plan is implemented during all school events occurring during the school day (e.g. holiday parties, field trips) to ensure that the Student does not come into contact with nut products). While all areas of concern should be addressed, topics which must be addressed include: inclusion at all meals (breakfast and lunch), consumption of nut-safe ice creams and snacks in the classroom, proper procedures to allow alternative foods that are nut-free when provided by parent teacher organization(s), and full access to School events and activities including field trips.

The Plan shall include provisions requiring that at the beginning of each school year, any school staff responsible for education and providing related aids and services to the Student

will be provided a copy of the Student's Plan and provisions will be reviewed with them to ensure that they understand their individual responsibilities.

The Plan shall further include notice to parents/guardians of children in the Student's classroom(s) that there is a student with a food allergy in the classroom. The notice will include notice regarding nut-free restrictions in the classroom (as approved by the 504 Team) and recommendations regarding safe snacks which could be provided for celebrations or parties in the classroom.

The meeting shall include provision of notice of procedural safeguards to the Complainant.

**REPORTING REQUIREMENT:** By **September 30, 2014**, the District will provide documentation to OCR demonstrating that the District has conducted the meeting which shall include meeting minutes and the new Section 504 plan including proposals discussed and adopted and any measures proposed which were not adopted with an explanation for not adopting a proposed measure. The documentation should include a list of attendees and evidence that the Student's physician was invited to the meeting and his response, and notice of procedural safeguards provided to the Complainant.

### **Staff Training**

2. By **August 30, 2014**, the District will provide training to designated staff and faculty at Mt. Zion Elementary School and Temple Elementary School involved in the evaluation and placement of students under Section 504. The training will explain the application of the District's policies and procedures pertaining to evaluation, eligibility determination and placement of students under Section 504. The training will also address the District's responsibility to students with disabilities who are enrolled in Pre-Kindergarten programs (i.e., taking into account the needs of students in the program). The training will include a specific focus on the issues present in educating a student with a food allergy, including, but not limited to, methods to reduce the risk of exposure and allergic reaction, how to respond to allergic reactions, and how to support the social and academic development of student with food allergies. The training should also include specific strategies for fully integrating the children with food allergies into school and class activities while reducing the risk of exposure to allergens in classrooms, during meals, during nonacademic outings, on field trips, during official activities before and after school, and during events sponsored by schools or that are held outside of regular hours.

The District will invite a trainer(s) with specific knowledge and information regarding food allergies to present at the training.

**REPORTING REQUIREMENT:** By **September 30, 2014**, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to the Action Item above. The documentation shall include: (1) the date of the training session(s); (2) a list of names and titles of District employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to Section 504 and the District's policies and procedures; (4) a copy of the

agenda and the training materials disseminated; and (5) certification that the materials were provided to any staff unable to attend the training due to an emergency or other excused absence.

3. By **August 30, 2014**, the District will provide training to designated staff and faculty at Mt. Zion Elementary School and Temple Elementary School involved in the evaluation and placement of students under Section 504 as well as any other staff who may be responsible for caring for a student with food allergies during the day (e.g. administrators, nutrition and food service staff, coaches, bus drivers, librarians, security staff,) on the following:

- School or District policies and practices on food allergies;
- An overview of food allergies;
- Definitions of key terms, including food allergy, major allergens, epinephrine, and anaphylaxis;
- The difference between potentially life-threatening food allergy and other food-related problems;
- General strategies for reducing and preventing exposure to allergens (in food and nonfood items), including common risk factors, triggers, and areas of exposure to food allergens in schools and how to read food labels to identify food allergens.
- Signs and symptoms of a food allergy reaction and anaphylaxis and information on common emergency medications;
- The School's or District's emergency plans, including who will be contacted in the case of an emergency, how staff will communicate during a medical emergency, and what essential information they will communicate. How to respond to a food allergy emergency; and
- How to administer epinephrine with an auto-injector (for those formally delegated to do so); and
- Prohibition of retaliation and harassment and how it applies to children with food allergies.

**REPORTING REQUIREMENT:** By **September 30, 2014**, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to the Action Item above. The documentation shall include: (1) the date of the training session(s); (2) a list of names and titles of District employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to Section 504, the District's policies and procedures on allergies and preventative measures to avoid allergic reaction(s); (4) a copy of the agenda and the training materials disseminated; and (5) certification that the materials were provided to any staff unable to attend the training due to an emergency or other excused absence.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulations.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4, 104.33, 104.34, 104.36 and Title II and its implementing regulation at 28 C.F.R. § 35.130.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Resolution Agreement will become effective immediately upon the signature of the Superintendent or his/her designee below.

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**Superintendent or Designee**

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**Date**